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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,228	06/30/2003	Shiquan Tao	2343-169-27	1763

7590 09/16/2005

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EXAMINER
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MARKHAM, WESLEY D

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

Acknowledgement is made of the applicant's response of 7/11/2005 to the Ex parte Quayle action mailed on 5/11/2005, in which the applicant proposed to amend the specification of the instant application, amend Claim 20, cancel Claims 21-40, and submit 12 sheets of replacement drawings. However, this amendment has not been entered because (1) it raises new issues that would require further searching and consideration by the examiner, and (2) it does not correct all of the formal matters raised by the examiner in the Ex parte Quayle action.

Regarding issue (1), the proposed amendment to Claim 20 to recite that the second coating "is made from at least one material selected from the group consisting of permeable polymers, permeable plastics, permeable thermoplastics, permeable polyurethanes, and permeable gels" instead of "is made from the group consisting of: permeable polymers, permeable plastics, permeable thermoplastics, permeable polyurethanes, and permeable gels" alters the scope of Claim 20 (e.g., by opening the claim to combinations of the listed materials), thereby requiring further searching and consideration by the examiner. The examiner notes that using combination(s) of the listed materials was not originally disclosed by the applicant's specification, and the proposed amendment to Claim 20 may raise 35 U.S.C. 112, first paragraph, and 35 U.S.C. 112, second paragraph, issues.

Regarding issue (2), entry of the proposed amendment would not correct the antecedent basis issues raised by the examiner in the Ex parte Quayle action because the specification would still lack antecedent basis for the claimed limitations of soaking for at least 30 minutes (Claim 3), the second solution being at least a 2 M NaOH solution (Claim 5), refrigerating for at least 12 hours (Claim 8), a mineral acid catalyst (Claim 16), and using a thin layer of silicone rubber solution (Claim 17). In the 7/11/2005 response, the applicant points to sections of the specification said to provide antecedent basis for the aforementioned limitations. However, the claim limitations noted above do not have antecedent basis in the specification. For example, while the specification discloses exemplary embodiments of soaking for 30 minutes, using a 2 M NaOH solution, refrigerating overnight, using a HCl catalyst, etc., the specification does not have proper antecedent basis for the broader claimed ranges / genres. The applicant is suggested to add the language used in the claims into the appropriate portions of the specification in order to correct the antecedent basis issues.

The IDS filed on 8/2/2005 has not been considered because it lacks the 1.17(p) fee required for an IDS filed after prosecution on the merits is closed (e.g., after an Ex parte Quayle action).

The time period for response is not reset and remains at 2 months from the mailing date of the Ex parte Quayle action. The applicant is suggested to re-submit the entire reply filed on 7/11/2005, taking into account issues (1) and (2) discussed above.

TIMOTHY MEEKS

SUPERVISORY PATENT EXAMINER